

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

This Document Relates to:¹

Lemp et al. v. Janssen Research & Development LLC et al. No.
3:14-cv-00987-DRH-SCW

Haney v. Janssen Research & Development LLC et al. No.
3:14-cv-00988-DRH-PMF

Leach v. Janssen Research & Development LLC et al. No.
3:14-cv-00989-DRH-PMF

Rucker v. Janssen Research & Development LLC et al. No.
3:14-cv-01026-DRH-SCW

CASE MANAGEMENT ORDER NUMBER 1

Regarding Litigation Hold and Setting Status Conference

HERNDON, District Judge:

This matter is before the Court for case management. Based on the current filings and the petitions pending before the Judicial Panel on Multidistrict Litigation (JPML), the Court perceives that this litigation is likely to be national in its scope.² In an effort to take precautions, which do not prejudice the positions of any party to

¹ *Mulroney v. Janssen Research & Development LLC et al.* No. 3:14-cv-01073-DRH-DGW; *Biven v. Janssen Research & Development LLC et al.* No. 3:14-cv-01050-DRH-DGW ; *McMunn v. Janssen Research & Development LLC et al.* No. 3:14-cv-01042-DRH-PMF; *Pennell et al. v. Janssen Research & Development LLC et al.* No. 3:14-cv-01040-DRH-SCW; and *Newman v. Janssen Research & Development LLC et al.* No. 3:14-cv-01236-DRH-PMF are related actions. The defendants, however, have not yet appeared in these matters. This order is not being entered in those matters where defendants have not yet appeared.

² See *In Re: Xarelto Products Liability Litigation*, MDL Docket No. 2592, JPML (not assigned) (Doc. 1) (Motion to Transfer with Brief in Support). Presently, oral argument is scheduled for December 4, 2014, before the JPML in Charleston, South Carolina. *Id.* Doc. 12.

pursue all avenues available to them under the law yet reflects the Courts experience in this area of litigation, to assure that all relevant evidence is preserved, the Court hereby issues to all plaintiffs and the defendants a litigation hold on all relevant evidence.

For the plaintiffs in cases currently pending before this Court and immediately upon filing actions in this Court, effective immediately, this means, in the broadest terms possible that all relevant evidence in their possession shall be preserved. This means, of course, not just evidence generated on or after this date but any evidence in existence on this date no matter when created. A non-exhaustive list of the kind of evidence contemplated by this hold may include medical records, personal calendars, digital and paper files with medical information, digital or paper journals which records such matters as physical and emotional feelings and suffering, and digital and paper records relating to medical insurance providers. The Court's use of the word "may" is meant to convey the concept that this is in no way meant to be an exhaustive and all-inclusive list.

For the defendants effective immediately, this means, in the broadest terms possible that all relevant evidence in their possession shall be preserved on a company wide basis. This means, of course, not just evidence generated on or after this date but any evidence in existence on this date no matter when created. A non-exhaustive list of the kind of evidence contemplated by this hold may include digital and paper files, notes, data, metadata, research materials, position papers, committee notes, committee minutes, committee reports, computers, computer

hard drives, "drives" on computers where files are stored, emails, and text messages, relating to the subject matter pharmaceutical. All such evidence in the possession of the company as well as persons employed by or in the control of the defendants. No category or class of employee is exempt. The Court's use of the word "may" is meant to convey the concept that this is in no way meant to be an exhaustive and all-inclusive list.

In order to discuss the particular ramifications of these holds, the scope thereof and the need to further refine them, as well as the need to discuss other issues, the Court hereby sets a status conference on November 19, 2014 at 1:30 PM in East St. Louis Court House before the undersigned Judge.

IT IS SO ORDERED.

Signed this 31st day of October, 2014.


David R. Herndon
2014.10.31
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United States District Judge